

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:21-CV-00338-M

KIMBERLY ERWAY, AS PARENT OF)	
MINOR CHILD J. E. ¹ ,)	
)	
PLAINTIFF,)	TRANSPORTATION SECURITY
)	ADMINISTRATION AND
V.)	UNITED STATES' MOTION TO STAY
)	DISCOVERY PURSUANT TO RULE 26(c)
UNITED STATES TRANSPORTATION)	
SECURITY ADMINISTRATION,)	
UNITED STATES OF AMERICA, AND)	
JANE DOE, AN EMPLOYEE OF THE)	
UNITED STATES TRANSPORTATION)	
SECURITY ADMINISTRATION,)	
)	
DEFENDANTS.)	
)	
)	

Defendants Transportation Security Administration (TSA) and United States move to stay discovery, pursuant to Federal Rule of Civil Procedure 26(c), until after this Court rules on their motion to dismiss Plaintiff Erway's claims against them for lack of subject-matter jurisdiction (DE 8, 9). Since the Court lacks subject-matter jurisdiction over Plaintiff's claims against TSA and the United States, Rule 26 does not apply to grant authority to conduct discovery with regard to them, and no other party is before the Court. Fed. R. Civ. P. 26.

A memorandum in support of this motion is filed contemporaneously.

Plaintiff opposes this motion.

¹ The United States refers to the minor by her initials "J. E." See Local Civil Rule 17.1(c); Richardson v. United States, No. 5:08-cv-620-D, (DE 29) (E.D.N.C. Mar. 1, 2010) (ordering refiling of a redacted version of a motion submitted by plaintiff parents because the original version included the full name of their minor child).

Respectfully submitted this 15th day of November, 2021.

G. NORMAN ACKER, III
Acting United States Attorney

By: /s/ Sharon C. Wilson
SHARON C. WILSON
Assistant United States Attorney
United States Attorney's Office EDNC
Wells Fargo Building
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
Telephone: (919) 856-4026
Facsimile: (919) 856-4821
N.C. Bar Number: 18435
Sharon.Wilson2@usdoj.gov
Attorney for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have this 15th day of November, 2021, served a copy of the foregoing upon the below-listed party or parties electronically using the CM/ECF system or by placing a copy of the same in the U.S. Mail, addressed as follows:

Jonathan Corbett
958 N. Western Avenue #765
Hollywood, CA 90029
jon@corbettrights.com

Matthew Ryan Gambale
Osborn Gambale Beckley & Budd PLLC
3801 Lake Boone Trail, Suite 400
Raleigh, NC 27607
matt@counselcarolina.com

By: /s/ Sharon C. Wilson
SHARON C. WILSON
Assistant United States Attorney
United States Attorney's Office EDNC
Wells Fargo Building
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601
Telephone: (919) 856-4026
Facsimile: (919) 856-4821
N.C. Bar Number: 18435
Sharon.Wilson2@usdoj.gov
Attorney for Defendants